

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DAVID SABINO QUAIR, III,

Petitioner,

v.

JON M. SKILES,

Respondent.

Case No. 1:22-cv-01386-JLT-CDB (HC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS DISMISSING THE  
PETITION WITHOUT PREJUDICE AND  
DIRECTING THE CLERK OF COURT TO CLOSE  
THE CASE

(Doc. 7)

The assigned magistrate judge screened the petition filed in this action and observed that Petitioner failed to name an appropriate respondent and failed to state a cognizable claim and noted that Petitioner admits he has not exhausted state judicial remedies. (Doc. 7.) (*Id.* at 3-5.) Therefore, the magistrate judge recommended the petition be dismissed without prejudice to refile if Petitioner exhausted his administrative remedies. (*See id.* at 5.)

Petitioner was granted 30 days to file any objections to the Findings and Recommendations, which was served to the address on record on November 18, 2022. (Doc. 7 at 6.) In addition, Petitioner was informed the “failure to file objections within the specified time may waive the right to appeal the District Court’s order.” (*Id.* at 6, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) Petitioner did not file objections or otherwise respond to the Findings and Recommendations, and the deadline to do so has expired.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court conducted a *de novo* review of the case.

1 Having carefully reviewed the entire matter, the Court concludes the Findings and Recommendations  
2 are supported by the record and by proper analysis. Accordingly, the Court **ORDERS**:

- 3 1. The Findings and Recommendations dated November 18, 2022 (Doc. 7) are  
4 **ADOPTED** in full.
- 5 2. Petitioner's petition for writ of habeas corpus (Doc. 1) is **DISMISSED** without  
6 prejudice and without leave to amend.
- 7 3. The Clerk of the Court is directed to close this case.

8  
9 IT IS SO ORDERED.

10 Dated: **January 18, 2023**

  
UNITED STATES DISTRICT JUDGE